

Decedents' Estates After January 1, 1981.

D.C. SCR-PD Rule 101

Rule 101. Matters presented to the Register of Wills.

All ex parte matters and all orders prepared for the signature of the judge assigned to fiduciary matters shall be presented to the Register of Wills who shall review such matters and make such recommendations to the Court as may be appropriate. Unless otherwise provided by these Rules, only those forms prescribed by these Rules or by the Register of Wills shall be accepted for filing.

D.C. SCR-PD Rule 102

Rule 102. Petition for probate.

The petition for probate shall be filed in compliance with *D.C. Code §§ 20-304* and *20-352*, and shall be typewritten on forms prescribed by the Register of Wills. When the form provides alternatives, the inappropriate alternatives shall be deleted.

Rule 103. Notice.

ADMINISTRATION NO.

.....

(Name of decedent)

.....

(Name and address of attorney)

NOTICE OF APPOINTMENT, NOTICE TO CREDITORS
AND NOTICE TO UNKNOWN HEIRS

....., whose address(es) (is/are) ,

(was/were) appointed personal representative(s) of the estate of, who died on, (with/without) a will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment (or to the probate of decedent's will) shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or filed with the Register of Wills with a copy to the undersigned, on or before, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship.

First published:

.....

(To be signed by personal representative)

Name of newspaper:

TRUE TEST COPY

.....

.....

REGISTER OF WILLS

(3) No later than 20 days after appointment, the personal representative shall send by certified or registered mail to all heirs and legatees copies of the text of the 1st notice prescribed by *D.C. Code § 20-704(a)*, and the general information statement prescribed by *D.C. Code § 20-704(b)*, unless notice under this subsection has already been given. The personal representative shall file with the Register of Wills at the time of filing the inventory and appraisal pursuant to *D.C. Code §§ 20-711 and 20-712*, proofs of publication and a certification specifying the date of mailing and the persons to whom mailed.

(4) When discovery of a new or later will necessitates republication under *D.C. Code 1981, § 20-704(c)*, the following text shall be utilized in the body of the notice:

....., whose address(es) (is/are) (was/were) appointed personal representative(s) of the estate of who died on with a will. Objections to such appointment or to the probate of decedent's will shall be filed with the Register of Wills, District of Columbia, 500 Indiana Avenue, N.W., Washington, D.C. 20001 on or before

D.C. SCR-PD Rule 104

Rule 104. Bonds.

(a) Nominal bond.

If the will of the decedent excuses the filing of a bond, or if all interested persons file written waivers to the filing of a bond, the personal representative shall, nevertheless, file a nominal bond pursuant to *D.C. Code 1981, § 20-502* at the time of the filing of the petition prescribed by SCR-PD 102. The form of the nominal bond shall be as follows:

SUPERIOR COURT OF THE DISTRICT OF
COLUMBIA PROBATE DIVISION

In re: Estate of)
) Administration No.
.....)
 Deceased.)

NOMINAL BOND OF PERSONAL REPRESENTATIVE

KNOW ALL BY THESE PRESENTS: That we as principal and as surety, are held and firmly bound to the District of Columbia in the sum of dollars.

The condition of the above obligation is such that if shall, as personal representative of the estate of, deceased, late of the District of Columbia, pay the debts due by the deceased, which are not adequately secured, and, if the decedent died prior to April 1, 1987, the District of Columbia inheritance taxes payable with respect to property under the control of the personal representative, then the above shall be void; otherwise it shall be in full force and effect.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

 (Seal)
.....
.....
 (Seal)

Dated this day of
....., 20... (Seal)

Surety
By: (Seal)

(b) General bond.

If the will of the decedent does not excuse the filing of a bond, and if all interested persons do not file written waivers to the filing of a bond pursuant to *D.C. Code 1981, § 20-502*, a bond shall be filed with the Court at the time of the filing of the petition prescribed by SCR-PD. 102, and the form of the bond shall be as follows:

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION

In re: Estate of)
) Administration No.
.....)
 Deceased.)

GENERAL BOND OF PERSONAL REPRESENTATIVE

KNOW ALL BY THESE PRESENTS: That we as principal and as surety, are held and firmly bound to the District of Columbia in the sum of dollars.

The condition of the above obligation is such that if the said shall well and truly perform the office of the personal representative of the estate of deceased, late of, according to law, and shall in all respects discharge the duties required of the personal representative by law without any injury or damage to any interested person or creditor, then the above obligation shall be void; otherwise it shall be in full force and effect.

SIGNED, SEALED AND DELIVERED

IN THE PRESENCE OF:

(Seal)

.....

.....

(Seal)

Dated this day of

....., 20... (Seal)

Surety

By: (Seal)

D.C. SCR-PD Rule 105

Rule 105. Special administrators.

All the powers and duties applicable to personal representatives shall be applicable to special administrators, except as otherwise provided by statute or Court Rule.

D.C. SCR-PD Rule 106

Rule 106. Nonresident special administrators and personal representatives.

A personal representative or special administrator who is or becomes a non-resident of the District of Columbia, or who is continuously absent therefrom for more than 60 days, shall file with the Register of Wills a power of attorney as required by *D.C. Code § 20-303(b)(7)*.

D.C. SCR-PD Rule 107

Rule 107. Proceedings in contested estate cases.

(a) Commencement of action.

An action to contest the validity of a will in accordance with *D.C. Code, § 20-305*, or to contest a petition for the appointment of a personal representative or to remove a personal representative who has been appointed, or to institute a plenary proceeding in accordance with *D.C. Code, § 16-3105*, or to construe a will prior to approval of the personal representative's final account, or any other complaint filed in the Probate Division, may be commenced by any party in interest by filing a verified complaint with the Register of Wills. Except as hereinafter provided the procedure in such actions, including service of process, shall be governed by the Superior Court Rules of Civil Procedure.

(b) Summons.

The Register of Wills shall issue a summons upon the request of the plaintiff in the action. In an action brought pursuant to this rule, to contest the validity of a will, to contest a petition for the appointment of a personal representative, to remove a personal representative, to institute a plenary proceeding pursuant to *D.C. Code § 16-3105*, or for the construction of a will, the summons shall be directed to all interested persons and all indispensable parties under Civil Rule 19. In any other action against the estate, the summons shall be directed to the personal representative and may be directed to others. In such actions against the estate wherein the interested persons are not named parties, the personal representative shall notify the interested persons of the pendency of the action and of the right to intervene. The notice shall be provided by first class mail within 20 days of the service of the action, and the personal representative shall file a certificate reflecting service of the notice at the time of filing a response.

(c) When a complaint is filed pursuant to this rule, the parties may proceed with discovery pursuant to Civil Rules 26 through 37.

(d) Within 60 days after a complaint has been filed, the Court shall conduct an initial scheduling and settlement conference pursuant to Civil Rule 16(b).

(e) All other contested matters which are not initiated by complaint, including exception, objection to reports or petitions filed with the Court shall be treated as motions pursuant to Civil Rule 12-I(d) through (n). The Court may permit discovery under this subsection upon a showing of good cause.

COMMENT:

Under subsection (b) in actions to contest the validity of a will, indispensable parties include each heir-at-law or next of kin of the deceased, the proponents of a will and all legatees named in wills of the decedent filed in the Office of the Register of Wills.

As used in subsection (e), "petitions" refers to all petitions for probate or petitions for guardianships.

D.C. SCR-PD Rule 108

Rule 108. Distributions to minors.

(a) Petitions.

In all cases where the personal representative is required to distribute estate assets to a minor for whom no guardian has been appointed, or to a minor in accordance with the provisions of a decedent's will, where the will provides for distribution to a person other than the Court appointed guardian, the personal representative must request authority from the Court by verified petition which sets forth the following information:

(1) The name, residence and date of birth of each minor for whom authority to distribute is sought, as well as the basis for the minor's entitlement to share in the estate.

(2) The total value of the estate assets to be distributed to each minor.

(3) The method of distribution proposed. State if under *D.C. Code §§ 20-1106(a)(2)* or *20-1106(b)*, and the basis for electing this method.

(4) If authority is requested under *D.C. Code §§ 20-1106(b)(1)*, (4) or (5), to distribute to a custodian on behalf of a minor, provide:

(A) The name, place of residence and relationship to the minor of the person proposed as custodian.

(B) The consent of the minor if the minor is 14 years of age or older, to the appointment of the proposed custodian.

(C) The consent of the proposed custodian to act as custodian and hold the assets on behalf of the minor.

(5) If authority is requested under *D.C. Code § 20-1106(b)(3)* to distribute estate assets under the Uniform Transfers to Minors Act, in addition to paragraphs (1) through (4), provide facts to show:

(A) The transfer is in the best interests of the minor (*D.C. Code § 21-306(c)(1)*);

(B) The transfer is not prohibited by or inconsistent with the provisions of the will (*D.C. Code § 21-306(c)(2)*);

(C) The personal representative will effect the transfer in accordance with *D.C. Code § 21-309*, and in particular, where the custodial property is money, by payment or delivery to the broker or the financial institution for credit in the custodial account.

(6) If authority is requested under *D.C. Code § 20-1106(b)(2)*, to establish a restricted account, provide the name and location of the financial institution.

(b) Receipt.

The personal representative must file within thirty (30) days of the entry of the Court order approving the distribution of estate assets on behalf of a minor, proof of the distribution approved by the Court as follows:

(1) If distribution is made under *D.C. Code § 20-1106(a)(2)* or *20-1106(b)(1)*, (3), (4) or (5), a receipt signed by the custodian, and in the case of a financial institution or broker, documentation evidencing the transaction.

(2) If distribution is made under *D.C. Code § 20-1106(b)(2)*, documentation evidencing the establishment of a restricted account.

The Court may extend the time for filing a receipt upon the showing of good cause.

COMMENT:

Subdivision (a)(3). Where the personal representative petitions for authority to distribute estate assets to a minor under *D.C. Code § 20-1106(a)(2)* or *§ 20-1106(b)*, the fiduciary must be aware of the following characteristics unique to each method of distribution in order to set forth the basis for the selection of the method proposed, i.e., court-supervised vs. unsupervised arrangement, custodial distribution vs. non-custodial distribution, and accessible assets vs. non-accessible assets:

Distributions of money or property with a value of \$ 1,000 or less (*D.C. Code § 20-1106(b)(1)*) and distributions of tangibles (*D.C. Code § 20-1106(b)(4)*). -- Distributions may be made to a custodian of the minor designated by the Court, and if tangibles are valued in excess of \$ 1,000, the Court may impose such conditions as it deems appropriate. The arrangement is unsupervised. If the tangible personal property is of significant value, distribution under the Uniform Transfers to Minors Act (see below) should be considered. It will provide more safeguards, as the custodian will be subject to statutory fiduciary standards of care.

Distribution of money to a restricted bank account (*D.C. Code § 20-1106(b)(2)*). -- The Court must approve the bank, the account is held in the name of the minor, there is no ongoing supervision of the arrangements, and the money may be withdrawn only upon court approval. Restricted accounts appear appropriate for small sums of money where there may be no need to invade the principal to meet the needs of the child. It is advisable if the restricted account is the selected method of distribution (i) to arrange for the bank statements to be forwarded to the minor in whose name the account is established, regardless of age, so that the minor will remain informed, and to the parent of the minor or the custodian of the minor; and (ii) to consult the financial institution to verify that restricted accounts are permissible.

Distributions under the Uniform Transfers to Minors Act (*D.C. Code § 20-1106(b)(3)*). -- The estate assets are held by a court-designated custodian on behalf of the minor in an unsupervised arrangement. Expenditures and investments may be made without court authority on behalf of the minor. The designated custodian under this act is accountable as a fiduciary under *D.C. Code §§ 21-312 and 21-313*. In this regard, care in the selection of the custodian is important because of the foregoing standards imposed.

Distributions of real estate to a custodian designated by the Court (*D.C. Code § 20-1106(b)(5)*). -- Distribution is made in the name of the minor to a custodian designated by the Court. Although it is an unsupervised arrangement, the property may be sold only with Court approval.

Court-appointed guardians (*D.C. Code § 21-106*). -- This is a supervised arrangement where the guardian serves under bond and files annual accountings. Court costs are assessed based on the estate value, and the guardian is responsible for annual bond premiums. The guardian must petition for authority to expend and invest estate assets on behalf of the minor. If small sums of money are involved, the guardianship of the estate of the minor may not be cost effective because of bond premium costs and the need to file petitions for court authority to make expenditures. Restricted accounts may be preferable. If significant assets are involved, one may wish to consider whether the minor's interest would be better served by the selection of a financial institution as the guardian, as opposed to an individual, in light of bond premium costs, since a financial institution may not be required to execute a bond if authorized under D.C. law to act as a fiduciary.

Lastly, the practitioner is referred to Wills, Trusts, and Estates (Bar Association of D.C. 1973) for further treatment of this area.

D.C. SCR-PD Rule 109

Rule 109. Inventory and appraisals.

(a) Use of appraisers. Unless the personal representative is excused from filing an inventory pursuant to *D.C. Code § 20-731*, the Register of Wills, upon the granting of letters of administration, shall issue a directive to the personal representative, requiring the personal representative to make an appointment with the standing appraisers (or arrange for the use of special appraisers pursuant to paragraph (d) hereof), in preparation for the filing of an inventory in accordance with *D.C. Code §§ 20-711 and 712*.

(b) Valuation of real estate. For purposes of the requirements of *D.C. Code §§ 20-711 and 712*, the personal representative may inventory real property at the value placed thereon by the District of Columbia Department of Finance and Revenue for purposes of assessment and taxation for the fiscal year in which the decedent died. If the personal representative determines that any real property should be independently appraised, or if a sale of such property is to be made under the provisions of SCR-PD 112(b), the fair market value shall be determined by an appraiser selected by the personal representative. Such appraiser shall be licensed or certified and approved by the District of Columbia Board of Appraisers pursuant to *§ 42-3901 et seq.*

(c) Valuation of securities. Appraisal of securities shall be made as of the date of decedent's death in accordance with principles set forth in federal estate tax regulations governing the valuation of securities for federal estate tax purposes.

(d) Special appraisers. The personal representative shall select qualified special appraisers to appraise a decedent's interests in joint ventures, partnerships, business enterprises, cooperative apartments, coins and stamps and any other assets as to which the Register of Wills has informed the personal representative that the standing appraisers do not ordinarily appraise. In addition, the Court may approve the use of qualified special appraisers to appraise any other assets that the standing appraisers do not ordinarily appraise, for which they cannot provide an expeditious appraisal or for other good cause shown.

(e) Inventory form. The inventory, accompanied by a separate Probate Form 27 with complete account numbers, if financial accounts are reported, shall be filed in the following form: IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA Probate Division ESTATE OF) Administration No.
) Date of death
) Date of appointment) of personal
.....,)
representative)
Deceased.) INVENTORY Summary

Schedule	Type of Property	Appraised Value
A	Real property in the District of Columbia	\$
B	Tangible personal	
C	Corporate stocks	
D	Bonds, notes, mortgages, debts due to the decedent	
E	Bank accounts, building	

	association shares,	
	savings and loan	
	accounts, cash	
F	Debts owed to the decedent	
	by the personal	
	representative	\$
G	All other interests	TOTAL
		\$

Instructions: Complete all pertinent schedules and summary. See *D.C. Code §§ 20-711 and 712*. VERIFICATION I do solemnly declare and affirm under penalty of law that the contents of this inventory are true and correct to the best of my knowledge, information, and belief, that it has been prepared by me or under my direction, and is to the best of my knowledge a complete inventory of all of the estate of the above-named decedent, made in good faith pursuant to District of Columbia law.

Personal Representative(s) CERTIFICATE There has been mailed or delivered to all interested persons, within the 15 days previous to the filing of this inventory, a copy of the inventory or a notice that it would be filed on or before a stated date. Date:

Personal Representative(s) or Attorney(s) VERIFICATION AND CERTIFICATE PURSUANT

TO SCR-PD 103(b)(3) I do solemnly declare and affirm that I have mailed or caused to be mailed a copy of the notice of appointment and general information statement as required in *D.C. Code § 20-704(a)* and (b) on the day of, 20....., to the following persons: [Attach list of names and addresses of all heirs and legatees] I do further solemnly declare and affirm that I have previously filed or file herewith proofs of publication as required by SCR-PD 103(b)(3).

Personal Representative Dated: Attorney: Sample Schedule (A separate page should be used for each schedule) IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA Probate Division Estate of Admin. No. INVENTORY SCHEDULE Item No. Description Value TOTAL \$.....

Appraiser's Verification The property described above has been impartially appraised by me to the best of my skill and judgment and constitutes all of the property of the named decedent of the type encompassed by this schedule of which I have knowledge and with the appraisal of which I have been charged.

(Print name) Appraiser (Signature)
(Address)

(f) Notice of filing. The notice prescribed by *D.C. Code § 20-711(b)*, which may be mailed or delivered to all interested persons in lieu of a copy of the inventory, shall be substantially in the following form: IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA Probate Division Estate of Admin. No.

NOTICE TO INTERESTED PERSONS OF FILING INVENTORY To:
NOTICE is hereby given that I, the personal representative of the above estate, will file an inventory with the Court which will be available for inspection or purchase at the Office of the Register of Wills, Superior Court of the District of Columbia, 500 Indiana Avenue, N.W., Washington, D.C. 20001 on or before Name, address, and telephone number of personal representative:

Dated:

REGISTER OF WILLS COMMENT

Technical revision made to correct error in cross reference.
D.C. Code § 42-3901 [Repealed]

Rule 110. Claims against estate.

D.C. SCR-PD Rule 112

Rule 112. Sale of estate assets.

(a) Personal property.

Sales of personal property when made pursuant to an order of Court shall be upon such terms and conditions as may be prescribed in the order.

(b) Real property in the District of Columbia.

When acting upon real property in accordance with *D.C. Code § 20-742(b)*, the personal representative shall file a petition explaining the type of transaction (such as sale, lease or other) and certifying that the bond has been expanded by an amount equal to the fair market value of the real estate as appraised, or that the bond has been waived. Upon the filing of the petition, the Court shall enter an order confirming the bond. Unless the bond is waived, the personal representative shall obtain and file with the Register of Wills an appraisal report by an appraiser selected by the personal representative. Such appraiser shall be licensed or certified and approved by the District of Columbia Board of Appraisers pursuant to *D.C. Code § 42-3901 et seq.*

(c) Sale of real property for purposes of distribution.

Sales of real property made pursuant to *D.C. Code § 20-1105* shall conform to the provisions of paragraph (b) of this Rule.

COMMENT:

If the petition referenced in subsection (b) is filed accompanied by written consents of all interested persons, the Court will immediately act on the petition, otherwise the petition will be held by the Register of Wills until expiration of the time for response pursuant to SCR-PD 107(e).

REGISTER OF WILLS COMMENT

Technical revision made to correct error in cross reference.

D.C. Code §42-3901 [Repealed]

D.C. SCR-PD Rule 113

Rule 113. Rule to show cause for recovery of possession of property of the estate.

(a) Petition for Rule to Show Cause.

When it is believed that any person is in possession of assets, papers, data or information of or about the decedent's estate and is wrongfully withholding the same, a Petition may be filed for a Rule to Show Cause, directing such person to appear and show cause why such person should not disclose all of the assets, papers, data and information in such person's possession belonging to the estate and the location of the same and why such person should not be required by the Court to turn over all of the said assets, papers, data and other information to the personal representative, provide access to property or take such other action as ordered by the Court.

(b) Content of the Petition.

In addition to any other information required to be submitted to the Court under this Rule, the Petition shall set forth with particularity the following facts, points, and authorities: (1) a concise description of the asset, papers, data, or other information concerning the decedent's estate that is alleged to be wrongfully withheld by the individual named in the petition; (2) the name, address, telephone number and any other pertinent identifying information about the individual whose actions are to be subject to the order to show cause; (3) a statement of the jurisdiction of the Superior Court over the subject matter and such person; (4) the facts and law that would establish the right of the estate to demand production of the subject asset, paper, data or other information (including but not limited to its alleged connection to the assets of the estate or its relevance to the administration of the estate); (5) a concise demand for relief, such as production of a particular asset or data, reimbursement of monies to the estate, or other specific relief; and (6) any other information that the petitioner determines to be relevant to the Court's decision to issue the order to show cause or reason(s) if any why any of the foregoing information is not supplied.

(c) Good faith effort -- Certification of petitioner.

The Petition for Rule to Show Cause shall contain the petitioner's certificate that despite a good faith effort the petition has been unable to obtain the assets, papers, data and information sought. The certification shall set forth specific facts describing the good faith effort.

(d) Who may petition the Court.

The personal representative may file a petition hereunder. Any interested person may also file a petition hereunder against the personal representative and such petition shall suffice as an "application" for relief, as permitted in *D.C. Code § 20-107*.

(e) Form of order.

The Court may grant the Petition for Rule to Show Cause without waiting for any response to the Petition by executing an Order for Rule to Show Cause substantially in the following form:

In Re: No.

ORDER FOR RULE TO SHOW CAUSE

Upon consideration of the Petition of (personal representative) herein, filed the day of, 199..,

ORDERED, that shall appear in this Court at A.M./P.M. in Courtroom No., on the day of, 199.., and show cause, if any there be, why he/she/or it should not disclose all the assets, papers, data and information he/she/or it has in his/her/or its possession belonging to the above estate and the location of the same, and why he/she/or it should not be required by this Court to turn over all of the said assets, papers, data and other information to the personal representative of this estate, provide access to property or take such other action as ordered by the Court, PROVIDED, however, that a copy of said Petition and this Order is served upon him/her/or it by petitioner on or before the day of, 199.. in accordance with SCR-Civil 4(c) and it is further

ORDERED that if fails to appear on the date set in this Order, the Court may grant the relief requested in the petition without further notice.

.....
Judge

Copies to:

Petitioner (address)

Interested Persons (address)

(f) Service of the petition and order.

Upon the issuance of an order to show cause, service of a copy of the order and a copy of the petition shall be made as follows: A copy of the petition and order shall be served upon the person allegedly in possession of the material sought in the manner prescribed by SCR-Civil 4(c). All interested persons shall be served by first class mail. Neither the personal representative nor any of the interested persons shall effect service upon the person allegedly in possession of the sought material.

(g) Proof of service.

Proof of service of the Petition and Order for Rule to Show Cause shall be by affidavit filed no later than the time set by the order for cause to be shown.

(h) Response to Order for Rule to Show Cause.

The person on whom the Petition and Order for Rule to Show Cause is served may file a responsive pleading to the Petition at any time, up to the date therein specified for cause to be shown. If the responsive pleading asserts a plea of title, the Court may treat the Petition for Rule to Show Cause as a complaint, provided the petitioner pays the complaint filing fee within ten (10) days, and may hold a status conference on the date set for cause to be shown and enter such other orders therein pertaining to interested persons and indispensable parties as are just in accordance with SCR-PD 107(b).

COMMENT:

If the Petition is treated as a complaint, a jury demand must be made seasonably pursuant to SCR-Civil 38(b) and 39(b). (Added, Oct. 22, 1996, eff. Feb. 1, 1997.)

D.C. SCR-PD Rule 114

Rule 114. Accounts of personal representative.

(a) Requirement to account.

(1) Preparation. *D.C. Code § 20-721* requires a personal representative to prepare verified written accounts of the administration of the estate.

(2) Filing. Unless excused pursuant to *D.C. Code § 20-731*, all personal representatives shall file accounts in accordance with the provisions of *D.C. Code §§ 20-721 through 20-724*.

(b) Form of account. The first accounting period of the estate shall begin at the date of death of the decedent. All accounts shall be typewritten or machine printed. The accounts and certificate under *D.C. Code § 20-721* shall be on forms prescribed by the Register of Wills or formats consistent with the forms. If financial accounts are reported therein, a separate Probate Form 27 must be filed with the account including complete account numbers.

(c) Tax certification. All final accounts in estates of decedents dying after March 31, 1987 shall contain a certification in a form prescribed by the Court that the personal representative is or is not required to file a federal estate tax return and, if a federal estate tax return is required, a further certification that the District of Columbia estate transfer tax, including applicable interest, has been paid in full or that no such tax is due.

COMMENT:

The Uniform Fiduciary Accounting Principles and accompanying commentaries and illustrations recommended by the Committee on National Fiduciary Accounting Standards in collaboration with the National Center for State Courts are approved as an elaboration of the requirements of this rule. Reference may be made to them for determination of the adequacy of a particular account. The Model Account Formats attached thereto together with the certification applicable to final accounts of estates of decedents dying after March 31, 1987 are deemed consistent with the prescribed forms.

Rule 115. Waiver of filing inventories and accounts by all personal representatives.

Rule 117. Waiver of formal audit of account.

D.C. SCR-PD Rule 118

Rule 118. Audit of accounts.

(a) Complete court audit.

Unless waivers have been filed with the account pursuant to *D.C. Code § 20-732*, the Personal Representative, at the time of filing the account, shall:

(1) Exhibit all checking account bank statements and cancelled checks or vouchers evidencing cash transactions during the accounting period.

(2) Exhibit all passbooks, ledger sheets, statements or similar documents issued by a bank, trust company, savings and loan association, brokerage firm or similar institution, reflecting the assets of the estate on deposit or on account therein, and evidencing the transactions in such assets during the accounting period.

(3) Where not otherwise ascertained in accordance with subparagraphs (1) and (2) above, and (4) below, file a written statement by each depository of cash balances on deposit therein and of all other assets (except tangibles) carried in the account as of closing date of the accounting period.

(4) Exhibit certificates or other statement of account of a custodian other than the personal representative evidencing ownership of all securities held for future accounting. In those fiduciary cases in which a bank is acting as fiduciary, in lieu of exhibiting certificates, the bank may submit an affidavit executed by an officer of the bank, other than the officer signing the account, verifying the correctness of the securities and cash accounts held for future accounting and the bank's custody thereof.

(5) If the account is a final account in the estate of a decedent dying before April 1, 1987, file a certificate of satisfaction of payment of District of Columbia inheritance and/or estate taxes.

(b) Cursory review of account.

If the account is to be reviewed pursuant to *D.C. Code § 20-732*, the Personal Representative shall at the time of filing the account:

(1) Note on the face of the account a request for cursory review.

(2) File with the account waivers required by *D.C. Code § 20-732* and SCR-PD 117(a) or receipts under SCR-PD 117(d).

(3) File vouchers or cancelled checks for all funeral expenses and each other disbursement in excess of \$ 1000 claimed in the account.

(4) If the account is final, file a statement that all claims filed with the Court or otherwise presented to the personal representative have been paid or rejected.

(5) If the account is a final account in the estate of a decedent dying before April 1, 1987, file a certificate of satisfaction of payment of District of Columbia inheritance and/or estate taxes.

(6) If the pending account reflects a proposed disbursement of estate funds for compensation to the Personal Representative or the attorney for the Personal Representative, comply with the requirements of SCR-PD 124.

(7) Submit a check in payment of outstanding court costs in accordance with SCR-PD 125.

(c) Recommendation of the Register.

(1) If the Register is satisfied that there has been submitted with a pending account for which cursory review is requested the requirements set forth in subparagraphs (2) through (7) of paragraph (b) of this rule, and all applicable time periods have expired, the Register shall, forthwith, submit such account to the Court for its approval.

D.C. SCR-PD Rule 119

Rule 119. Accounts of special administrator.

Special administrators shall account to the Court in the same manner as personal representatives, and such accounts shall be subject to a formal and complete audit pursuant to SCR-PD 118(a).

D.C. SCR-PD Rule 120

Rule 120. Assignment of rights.

When a party who claims to have a right to share as an heir or legatee of a deceased person assigns all or part of such right, the assignee shall promptly file the assignment in the probate proceeding. Any further proceedings to protect or enforce the assignment, or any claim based thereon, shall be prosecuted or presented in the name of the assignee and not in the name of the assignor. Said assignment shall be verified in accordance with *D.C. Code § 20-102*. Unless approved by order of this Court, counsel for the assignee shall not appear for or represent the assignor.

D.C. SCR-PD Rule 121

Rule 121. Delinquent personal representatives, special administrators or guardians.

Whenever it comes to the attention of the Register of Wills that there is an apparent irregularity or default in the administration of a proceeding under these Rules, including but not limited to the failure to file within a prescribed time a proper inventory or account, or that there is an insufficiency in the amount or security of an undertaking, the Register of Wills shall immediately notify the personal representative, special administrator or guardian (hereinafter "person") that unless the irregularity or default is corrected forthwith, the person so notified shall be subject to removal. If the irregularity is not remedied, the Register of Wills shall report said irregularity to the Court. Following such notification, the Court shall set a summary hearing, direct notice of the hearing to the person who has not remedied the irregularity and, at the hearing, remove the person and appoint a successor, unless, for good cause shown, failure to correct the irregularity or default is deemed excusable.

D.C. SCR-PD Rule 122

Rule 122. Qualification and compensation of guardians ad litem.

(a) Appointment.

When the Court in the exercise of its statutory or inherent power appoints a guardian ad litem, except for good cause shown, no person other than a member of the Bar of this Court shall be so appointed.

(b) Written report on possible conflict.

Whenever a guardian ad litem has occasion to sue or defend on behalf of a disabled interested person concerning a matter in which such guardian has a possible conflicting interest, such guardian shall report the facts in writing to the Court in order that appropriate action may be taken.

(c) Compensation on written motion.

Allowance by the Court of compensation to a guardian ad litem shall be made only on written motion supported by a statement detailing with particularity the nature and extent of services rendered, the time devoted, the amount claimed, and any prior allowance made for the claimant's services.

(d) Notice of motion for compensation.

Unless otherwise directed by the Court, notice of such claim need be given only to the personal representative(s) or special administrator(s) of the estate against which the claim is made.

D.C. SCR-PD Rule 123

Rule 123. Termination of appointment.

A petition for termination of the appointment of the personal representative and proposed order pursuant to *D.C. Code § 20-1301* shall be in substantially the following format and shall have attached to it all receipts not previously filed evidencing proper distribution of assets of the estate.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION

Estate of:

)
) Admin. No.
)

.....)
Deceased)

PETITION FOR TERMINATION OF APPOINTMENT
OF PERSONAL REPRESENTATIVE

Pursuant to *D.C. Code § 20-1301*, of personal representative,, of the above estate requests termination of appointment as personal representative, and in support thereof, represents to the Court as follows:

1. was appointed personal representative of the above estate by order of this Court entered
2. A request for termination of this appointment (had/has not) previously been made on the final account approved by this Court (with/without) formal audit.
3. The Court has approved payment of all compensation of the personal representative and the attorney for the estate where required under SCR-PD 124.
4. Unless previously filed, there are attached to this petition, receipts signed by all the [heirs/legatees] of this estate, who are listed below, which receipts reflect all distributions reported in accounts previously approved by this Court: [Name of heirs/legatees]

Wherefore, the personal representative prays for termination of appointment in this estate.

The undersigned personal representative of the estate of, solemnly declares and affirms under penalty of law that the contents of the foregoing document are true and correct to the best of the personal representative's knowledge, information and belief.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition for Termination of Appointment of Personal Representative has been mailed, postage prepaid, to all [heirs/residuary legatees] and to all creditors who have presented their claims but have not been paid in full, and who are listed below, at their last known addresses, this day of, 20....

[Names of heirs/residuary legatees and unpaid creditors]

Personal Representative

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION

Estate of:

)
) Admin. No.
)

.....)
Deceased)

ORDER FOR TERMINATING APPOINTMENT

OF PERSONAL REPRESENTATIVE

Upon consideration of the petition for termination of the appointment of as the personal representative of the estate of the above-captioned decedent, pursuant to *D.C. Code § 20-1301*, and it appearing to the satisfaction of the Court that all necessary receipts of heirs or legatees have been filed, that due notice of this petition has been given to all residuary legatees or heirs and all creditors who have presented their claims but have not been paid in full and that no objection has been filed, it is by the Court this day of, 20.....:

ORDERED that the appointment of as the personal representative of the estate of, be and the same hereby is terminated.

JUDGE

Rule 124. Request for compensation.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Estate of:)

.....)

REQUEST FOR COMPENSATION FOR SERVICES

Estate Income

It would be useful, in any event, for the personal representative to state the number of hours spent to date and the number of additional hours anticipated to be spent. If the personal representative deems it relevant, he or she should indicate any professional or personal relationship he or she had with the deceased, and his or her usual occupation and earnings.

(4) That the time spent by the attorney for the personal representative (or the attorney's firm) is hours and it is anticipated that an additional hours will be required to complete the estate administration.

(A) The attorney's usual hourly compensation for work of this nature is \$

(B) An hourly rate of compensation is not furnished because:

[COMMENT]: If a flat fee is charged, explain the basis therefor. If a flat fee is stated in unequivocal terms, the attorney should state any limitations on the services to be performed (e.g., that there are no more than x number of hours to be expended).

(5) That the attorney for the personal representative as soon as feasible gave to the personal representative an estimate of the fees and any change in fees for work to be performed with respect to the administration of the estate.

[COMMENT]: The usual and ordinary work to be performed by an attorney in the administration of the estate is set forth in The Role and Function of the Estate Attorney, 12 A.B.A., Real Property, Probate and Trust Journal, 12:223 (Spring, 1977).

(6) That all of the results required to be achieved in order to complete the estate administration have been or will be accomplished and that the administration of the estate involved the following:

[COMMENT]: A brief summary of the work involved in the administration of the estate should be provided.* If under any other provision of this Rule additional documentation is required to describe more fully the work performed or the results achieved, such additional documentation should be included here.

* For example:

"The personal representative diligently marshalled the assets of the estate, invested the same and collected the income therefrom, paid all just debts, claims, and expenses of administration, established and maintained books and records of assets received and disbursements made, caused to be completed final Federal and District of Columbia tax returns, filed necessary inventories and appraisals, and [state number] Accounts (including the Final Account), caused to have prepared and filed the Federal Estate Tax Return, the District of Columbia inheritance or estate transfer tax return, as applicable, and the District and Federal fiduciary income tax returns, and will, following the approval of the Final Account, complete distribution of assets in accordance with the decedent's Last Will. The personal representative will also, at the end of the final fiduciary income tax year, cause to be prepared and filed the final Federal and District of Columbia fiduciary income tax returns for the estate."

(7) That all time limitations imposed by the provisions of the Act or by the Rules, including any timely requested extensions thereof, were met.

[COMMENT]: If all time limitations were not met, state the date the compliance was due, the actual date for compliance and the reasons for the delay.

(8) The personal representative herewith certifies that on the day of, 20....., a copy of this request, the appended notice to interested persons, and copies of all accompanying statements were sent by certified (or registered) mail, return receipt requested, to all interested persons.

Respectfully submitted,

Personal Representative

VERIFICATION BY PERSONAL REPRESENTATIVE

....., personal representative of the estate of, deceased, do solemnly declare and affirm under penalty of law that the contents of the foregoing document with respect to services performed by the personal representative are true and correct to the best of the personal representative's knowledge, information, and belief.

Personal Representative

VERIFICATION BY ATTORNEY FOR PERSONAL REPRESENTATIVE

....., attorney for the personal representative of the estate of, deceased, do solemnly declare and affirm under penalty of law that the contents of the foregoing document with respect to the services rendered by me or by my firm are true and correct to the best of my knowledge, information, and belief.

Attorney for Personal
Representative

Bar Number
Address and Telephone No.

NOTICE TO INTERESTED PERSONS

You are hereby notified that you may file written exceptions or objections with the Register of Wills and serve a copy thereof on the personal representative and the personal representative's attorney within twenty (20) days of the mailing to you of this Notice of Request For Compensation for Services. Reasons for your exceptions or objections should be stated.

If you execute a Consent to the Request for Compensation for Services, you will waive your statutory right to file exceptions or objections thereto.

(b) Consents to the request for compensation shall be substantially in accordance with the following format:

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Probate Division

Estate of:)

)

) Administration Number

)

Deceased)

CONSENT BY INTERESTED PERSON TO REQUEST FOR COMPENSATION FOR SERVICES AND WAIVER

I,, am entitled to receive a share of the above estate. I have received a copy of the REQUEST FOR COMPENSATION FOR SERVICES.

I am aware that compensation is being requested by the personal representative in the amount of \$, and by the attorney for the personal representative in the amount of \$, for a total of \$, I am aware that the total of the estate's assets and income amount to \$

I am aware that compensation requests are generally carefully reviewed by the Court in the absence of a Consent and Waiver signed by each interested person. I am aware that this Consent and Waiver will be filed with the Register of Wills and that, if a Consent and Waiver is filed on behalf of every other interested person, the Court may approve the compensation requested, based solely on the request as filed.

I am aware that I have the statutory right to file with the Register of Wills written exceptions or objections to the compensation request within twenty (20) days of the mailing of the Notice thereof to me and that my execution of this Consent and Waiver constitutes a waiver of that right.

I hereby consent and agree to the payment of the amounts requested and I hereby waive my statutory right to file exceptions or objections to the Request for Compensation.

Signature
Dated:

(c) The Court may act upon the request for compensation based solely upon the documentation required by subparagraphs (a)(1) through (a)(8) and by either subparagraph (c)(1) or (c)(2) below if:

(1) A Consent and Waiver in the form set forth in paragraph (b) of this Rule is signed by each interested person and filed; or

(2) No exceptions or objections to the request for compensation are filed, and:

(A) The aggregate compensation sought by the personal representative and the attorney for the personal representative, exclusive of any compensation for services of the nature described in subparagraph (c)(2)(B), does not exceed the customary fee that would be charged in the marketplace for an estate of comparable assets and income.

[COMMENT]: The combined customary marketplace fees for the personal representative and the attorney for the personal representative in the Washington metropolitan area for a typical estate administration generally fall within the range of 4.5/% to 8/% of an estate's assets and income, depending upon the size of the estate. However, no inferences shall be drawn with respect to the reasonableness of requests for compensation in excess of this range.

(B) If a personal representative or the attorney for the personal representative claims expenses of litigation pursuant to *D.C. Code § 20-752*, the claiming party must demonstrate the necessity of the litigation. If the attorney is someone other than the attorney handling the estate administration, the reason for his or her retention as litigation counsel (for example, special expertise, situs of the litigation, and the like) should be set forth.

(d) Additional verified documentation to show the reasonableness of the compensation sought shall be filed if:

(1) The compensation exceeds the amounts described in subparagraph (c)(2)(A) and consents have not been filed by all interested persons, or

(2) Any interested person files an exception or objection to the request for compensation, or

(3) For any other reason the Court requests such documentation.

Such additional documentation shall describe any special services performed or any special circumstances encountered.

[Comment]: Unusual or complicating factors, such as a will contest, disputes among interested persons, difficulties in locating assets, operating or disposing of a closely held business, and tax audits, should be described in detail. Information should also be provided with respect to the retention of any agents such as accountants, investment advisors, or other attorneys, including the reason for the retention, the tasks they performed, the amounts they were paid, and the basis for their compensation (flat fee, hourly rate, etc.).

(e) Any personal representative or attorney for the personal representative who shall be unwilling to join in or unable to obtain the joint execution of a request for compensation by all parties pursuant to paragraph (a) above may submit a separate request for compensation. The separate request shall contain all of the documentation, including the verification and notice to interested persons, required with respect to the party making the separate request by paragraph (a) and, if applicable, paragraph (d) above and shall set forth the efforts made to seek joint participation and, to the extent known, the reasons for nonparticipation in a joint request by all personal representatives and their attorneys pursuant to paragraph (a) above. Each attorney for a personal representative shall be an interested person for purposes of this paragraph (e).

(f) The court has the authority to award a fee consistent with its assessment of the services rendered, based on the request for compensation as filed. The Court may at any time request such additional information as it may determine to aid it in assessing appropriate compensation in any case.

D.C. SCR-PD Rule 125

Rule 125. Court costs.

(a) Administration of decedents' estates (testate and intestate).

The Court costs to be assessed and collected by the Register of Wills in the administration of decedents' estates shall be assessed on the basis of the value of the probate estate, excluding real estate, at the following rates:

(1) Standard and Abbreviated Probate Proceedings:

\$ 10,000.01 but less than \$ 25,000	\$ 100	
\$ 25,000 but less than \$ 50,000	\$ 150	
\$ 50,000 but less than \$ 75,000	\$ 250	
\$ 75,000 but less than \$ 100,000	\$ 350	
\$ 100,000 but less than \$ 500,000	\$ 575	
\$ 500,000 but less than \$ 750,000	\$ 825	
\$ 750,000 but less than \$ 1,000,000	\$ 1,275	
\$ 1,000,000 but less than \$ 2,500,000	\$ 1,800	
\$ 2,500,000 but less than \$ 5,000,000	\$ 2,300	
\$ 5,000,000 and over	\$ 2,300	plus 0.02/% of excess over \$ 5,000,000

(2) Special administration proceedings:

The costs to be collected by the Register of Wills in proceedings wherein a special administrator is appointed shall be assessed at the rates prescribed for standard and abbreviated probate proceedings (see subparagraph (a)(1) for this Rule).

(3) Court costs attributable to real estate in the District of Columbia:

Additional Court costs in the amount of \$ 25 shall be assessed in all standard and abbreviated probate proceedings and special administration proceedings wherein real property or properties in the District of Columbia of whatever value, are carried as a probate asset. If proceeds of the sale of real property are included, Court costs shall be assessed in accordance with subparagraphs (a)(1) and (4) of this Rule.

(4) Computation of Court costs.

For the purposes of determining initial costs under paragraph (a) of this Rule, the value of the probate estate shall include (i) the initial gross principal value of the assets of the probate estate as determined by the Register of Wills, (ii) the gross value of any increase in the principal value of any probate asset realized upon disposition (other than upon distribution to beneficiaries of the estate) by the personal representative, and (iii) the gross value of any income reported by the personal representative in periodic accounts to the Court, but shall exclude the value of real property in the probate estate except as otherwise provided in paragraph (a)(3) of this Rule. In determining the court costs upon the audit of subsequent accounts, allowance shall be made for costs previously assessed.

(5) Time of payment:

The costs to be collected by the Register of Wills under this paragraph shall be paid at the time of filing the 1st account except as otherwise provided herein. Subsequent costs, if any, determined under subparagraph (a)(4) of this Rule shall be assessed and paid at the time of filing each subsequent annual account of the personal representative.

(b) Administration of estates of minors.

(1) Fee Schedule.

The costs to be collected by the Register of Wills in the administration of the estates of minors shall be assessed on the basis of the value of the guardianship estate at the following rates:

Less than \$ 500	No cost
------------------	---------

\$ 500 but less than \$ 2,500	\$ 15
\$ 2,500 but less than \$ 10,000	\$ 20
\$ 10,000 but less than \$ 25,000	\$ 27
\$ 25,000 but less than \$ 50,000	\$ 35
\$ 50,000 but less than \$ 100,000	\$ 45
\$ 100,000 and over	\$ 60

(2) Time of payment:

The costs to be collected by the Register of Wills in the administration of the estates of minors are annual charges. The initial fees shall be assessed and paid prior to the approval of the 1st account. Subsequent fees shall be assessed and paid prior to the approval of each subsequent annual account of the guardian.

(3) Computation of Court costs:

For the purposes of determining costs under subparagraph (b)(1) of this Rule, the value of the guardianship estate shall include (i) the initial gross principal value of the assets of the guardianship estate as determined by the Register of Wills, (ii) the gross value of any increase in the principal value of any guardianship asset realized upon disposition (other than upon final distribution to a ward who has attained the age of 18 years) and (iii) the gross value of any income reported by the guardian in periodic accountings to the Court.

(c) Certified copies of wills and letters.

Payment of the costs assessed under paragraphs (a) or (b) of this Rule shall entitle the fiduciary to be furnished by the Register of Wills with, where applicable, 2 certified copies of the will (and any codicils thereto) admitted to probate and 12 copies of letters of administration or guardianship, all without further charge.

(d) Miscellaneous charges:

ITEM	FEE	
(1) For filing cases substituting trustees and complaints under SCR-PD 107	\$ 120	
(2) Administration of Estates not in excess of \$ 10,000:		(A) Under \$ 500
	No cost	(B) \$ 500.01 to \$ 2,500
	\$ 15	(C) \$ 2,500.01 to \$ 10,000
	\$ 50	
(3) Additional letters of administration or guardianship and nonresident certificates	\$ 1 per copy	
(4) Copies of documents	\$.50 per page	
(5) To docket claim	\$ 5	
(6) To search records	\$ 10	
(7) Rule or order to show cause, objections to accounts, miscellaneous motions, etc.	\$ 20	
(8) To attend safe deposit box opening	\$ 25	
(9) Institution of proceedings by foreign personal representative (D.C. Code 341 and SCR-PD 127)	\$ 25*	
(10) For certified copy or true seal copy	\$ 5	
(11) Notice of Appeal	\$ 5	

* To be collected by the Register of Wills at the time the notice is submitted to the Register.

(e) Assessment and collection.

All Court costs shall be collected by and paid to the Register of Wills at such time or times as the Register of Wills shall direct, except as otherwise specified in paragraphs (a) and (b) of this Rule.

(f) Review of Court costs.

Following the close of each fiscal year, the Court shall review the Court costs collected by the Register of Wills during such year and shall make such changes, alterations or additions to the foregoing cost schedules as it considers appropriate in the circumstances.

D.C. SCR-PD Rule 126

Rule 126. Bias or prejudice of a judge.

Whenever a party to any proceeding makes and files a sufficient affidavit that the judge before whom the matter is to be heard has a personal bias or prejudice either against the party filing the affidavit or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding. The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists and shall be accompanied by a certificate of counsel of record stating that it is made in good faith. The affidavit must be filed at least 24 hours prior to the time set for hearing of such matter unless good cause is shown for the failure to file by such time.

D.C. SCR-PD Rule 127

Rule 127. Notice of appointment of foreign personal representative and notice to creditors.

(a) Publication of notice.

The notice required to be published by a foreign personal representative pursuant to *D.C. Code 1981, § 20-343(a)* shall be in the following form:

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION
FOREIGN NO.

.....
(Name of decedent)

NOTICE OF APPOINTMENT OF FOREIGN
PERSONAL REPRESENTATIVE AND
NOTICE TO CREDITORS

....., whose address is was appointed personal representative
of the estate of, deceased, on, 20....., by the Court for
..... County, State of Service of process may be made upon

(insert name and address)

whose designation as District of Columbia agent has been filed with the Register of Wills,
D.C.

The decedent owned the following District of Columbia real property: (Omit last sentence
if no real estate.)

The decedent owned District of Columbia personal property. (Omit last sentence if no per-
sonal property.)

Claims against the decedent may be presented to the undersigned and filed with the Reg-
ister of Wills for the District of Columbia, 500 Indiana Avenue, N.W., Washington, D.C. 20001
within 6 months from the date of first publication of this notice. (Omit last sentence if no real
estate.)

Date of first publication:

.....

(To be signed by personal representative)

Name of newspaper and/or periodical:

.....
.....

TRUE TEST COPY

REGISTER OF WILLS

(b) Submission of notice to Register of Wills.

The notice required to be published pursuant to *D.C. Code § 20-343(a)* and set forth in
paragraph (a) of this Rule, shall be submitted, in triplicate, to the Register of Wills completed
in all respects except as to the date of 1st publication. The Register of Wills shall fix the date
of 1st publication and forward copies of the notice to the designated newspapers or periodi-
cals.

(c) Designation of agent to accept process.

Contemporaneous with the filing of the notice prescribed in paragraph (a) of this Rule, the
foreign personal representative shall file with the Register of Wills a document appointing an
agent in the District of Columbia to accept service of process and such document shall be in
the following form:

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION
In re: Estate of

..... deceased.

Admin. No.

APPOINTMENT OF AGENT TO ACCEPT SERVICE OF PROCESS

I,, personal representative of the estate of, deceased, do hereby designate as my agent, in the District of Columbia, with the mailing address shown below, on whom service of process may be made in like manner and with like effect as if it were personally served on me.

AS WITNESS my hand and seal this day of, 20

PERSONAL REPRESENTATIVE

Address

Signature of agent in the District of Columbia

District of Columbia mailing address of agent

(d) Certification of non-filing or release of claims.

Upon the expiration of the period for presenting or filing claims and the filing of proofs of publications pursuant to *D.C. Code § 20-343(a)*, the Register of Wills shall, upon request and if appropriate, issue a certificate stating that the book known as the Claims Against Non-Resident Decedents has been examined and that no claim has been filed, or, that all claims filed have been released.

D.C. SCR-PD Rule 128

Rule 128. Service or notice by publication.

Notices relating to proceedings in the Probate Division of which publication is required shall be published for the prescribed time in at least 1 legal newspaper or periodical of daily circulation and in any other newspaper or periodical of general circulation of the District of Columbia which has been designated by the Court, by statute, or by the personal representative. However, any notice required in the administration of estates having a value of \$ 10,000 or less shall be published for the prescribed time in only 1 newspaper or periodical of general circulation of the District of Columbia. Publication shall be proved by affidavit of an officer or agent of the publisher stating the dates of publication with an attached copy of the order or notice as published. For purposes of this Rule, a legal newspaper or periodical of daily circulation shall mean a publication designated by the Court that is (1) devoted primarily to publication of opinions, notices and other information from the courts of the District of Columbia, (2) circulated generally to the legal community, and (3) published at least on each weekday that the Superior Court is in session.

D.C. SCR-PD Rule 129

Rule 129. [Reserved]

D.C. SCR-PD Rule 130

Rule 130. Motions for reconsideration and other relief from judgment in decedents' estates.

(a) Generally.

Any person who is aggrieved and participated in the determination of a trial court ruling, order, judgment or a decree, in any matter not initiated by complaint and summons in a decedent's estate proceeding, may seek reconsideration thereof only on the following grounds: (1) the Court failed to consider a material fact or law upon which such matter was based; (2) the emergence of new material facts that could not have been discovered with due diligence or a change of law not previously brought to the Court's attention; (3) there was no discernible basis or reason given for the court's order; (4) fraud (whether denominated intrinsic or extrinsic), misrepresentation, or other misconduct of another person or entity interested in the proceeding; (5) mistake, inadvertence, surprise or excusable neglect; (6) the order pertains to a matter or matters on which no other interested person or party entered an exception, objection or otherwise contested the issues disposed of therein; or (7) any other reason justifying relief from the operation of the order. The motion shall be filed not later than 30 days after entry of the ruling, order, judgment or decree and prior to the entry of the order approving the final account.

(b) Exceptions to final probate account.

If the Court disposes of an exception to a final probate account through an order approving the final account or contemporaneously therewith, a motion for reconsideration may be made not later than 20 days after the entry of the order approving the final account.

(c) Effect on distribution of estate assets.

If a motion for reconsideration is made in connection with a ruling pertaining to an exception to a final probate account, actions or obligations of the personal representative may be suspended by Court order pursuant to SCR-PD 9 until the motion for reconsideration is disposed of.

(d) Hearing.

The Court may rule on a motion for reconsideration with or without a hearing.

(e) Time.

Notwithstanding any other provision of the Superior Court Rules, the Court may not extend the time for bringing a motion for reconsideration. This Rule does not limit the power of a Court to entertain a motion to relieve a party from a ruling, order, judgment or decree, or to set aside a judgment, for fraud upon the Court.

(f) Clerical mistakes.

Clerical mistakes in a ruling order, judgment or decree or other parts of the record and errors therein arising from oversight or omission may be corrected by the Court at any time of its own initiative or on the motion of any party and after such notice, if any, as the Court orders. During the pendency of an appeal, mistakes may be corrected before the appeal is docketed in the appellate court, and thereafter while the appeal is pending may be corrected only upon leave of the appellate court.

(g) Relationship to Superior Court Civil Rules.

If this Rule applies, SCR-Civil 59 and SCR-Civil 60 shall not apply.

COMMENT:

Pursuant to District of Columbia Court of Appeals Rule 4, the timely filing of a motion for reconsideration pursuant to this rule suspends the running of the time for filing a notice of appeal.

The mere filing of a motion for reconsideration does not suspend the proceedings or stay the ruling, order, judgment or decree that is the subject of the motion. The Court may enter a separate order pursuant to SCR-PD 9.

If an interested person or a party has notice of an account or request for compensation and fails to file an exception to such account or request for compensation within the statutory period, such interested person or party lacks standing to bring a motion for reconsideration of the order approving the account.

This rule is similar to SCR-Civil 59(e) and SCR-Civil 60(b). Modifications have been made to accommodate practice in the Probate Division. It is expected that where provisions of this Rule are substantially similar to the civil rules, case law interpreting the civil rules will be applicable to this Rule.

"Judgment" as used in this rule includes a decree and any order from which an appeal lies. (Added, Oct. 22, 1996, eff. Feb. 1, 1997.)